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10/767,297	01/28/2004	Steven J. Ross	GP-303781 (2760/115)	5003

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General Motors Corporation
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EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,297	Applicant(s) ROSS ET AL.	
	Examiner PINKY BOVEJA	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,7,9,15 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,10-14,16-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/28/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 08/22/2008.
2. Claims 2, 3, 7, 9, 15, and 19 have been cancelled. Claims 1, 4-6, 8, 10-14, 16-18, and 20 are presented for examination.
3. Amendments to claims 1, 4-6, 8, 10-14, 16-18, and 20 have been entered and considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. *Claims 1, 4-6, 10, 11, and 13 are rejected under 35 U.S.C. 101, because, based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method or process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claim fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically transform underlying subject matter (such as an article or materials) to a different state or thing. There is no specific recitation in the claims that the steps are*

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taking place by using a computer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 4-6, 8, 10-14, 16-18, and 20, are rejected under 102(a) as being anticipated by Treyz et al (Patent Number 6,526,335 hereinafter Treyz).

In reference to claims 1, 14, and 20, Treyz teaches a method, a computer readable medium, and a system for managing subscriber vehicle data in a vehicle data management system comprising: *defining a status based hierarchy by associating specific vehicle data access privileges with individual client statuses, the individual client statuses being selected from the group consisting of subscription service customer (col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31), campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager (col. 35 lines 54-60, col. 37 lines 49-54, and Figure 33); receiving a client data request from a client (col. 72 lines 38-55, col. 80 lines 22-36, and col. 83 lines 15 to col. 84 lines 31); determining a client identity based on the client data request, the client identity including a position of the client in the status based hierarchy and a class of a requesting device of the client (col. 35 lines 54-60, col. 37 lines 49-54, col. 43 lines 33-59, col. 48 lines 43-60, col. 66 lines 21-47, col. 80 lines 57-64, col. 81 lines 15-31, and Figure 33), wherein the requesting device class is selected from the group consisting of personal*

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computers, personal digital assistants, cell phones, and vehicle telematics units (col. 1 lines 38-46, col. 33 lines 6-61, and col. 34 lines 36-46); and providing targeted data to the client responsive to the data request, wherein a format of the targeted data is based on the identified client's requesting device class and position in the status based hierarchy (col. 35 lines 54-60, col. 37 lines 49-54, col. 43 lines 33-59, col. 48 lines 43-60, col. 58 lines 24-46, col. 59 lines 21 to col. 60 lines 67, col. 62 lines 61 to col. 63 lines 11, col. 64 lines 23-67, col. 66 lines 21-47, col. 80 lines 57-64, col. 81 lines 15-31, and Figures 33 and 69).

6. In reference to claim 4, Treyz teaches the method wherein the *targeted* data is configured to be retrievable through a web hosting portal (col. 38 lines 20-65 and col. 39 lines 8-15).

7. In reference to claim 5, Treyz teaches the method wherein the *targeted* data is configured to be retrievable through a voice-enabled web hosting portal (col. 3 lines 21-28 and 50-54, col. 13 lines 38-51, col. 22 lines 35 to col. 23 lines 2, and Figures 74-92 and 114-121).

8. In reference to claims 6 and 16, Treyz teaches the method and computer readable medium wherein determining *the* client identity comprises: parsing the client data request for client identity data (col. 15 lines 9-27, col. 30 lines 25-53, and col. 32 lines 28-54).

9. In reference to claims 8 and 17, Treyz teaches the method and computer readable medium wherein providing *the* targeted data comprises: instantiating a communication portlet that is associated with the determined *requesting device* class

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(col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), client identity (col. 15 lines 9-19 and col. 30 lines 25-65), and client status (col. 35 lines 54-60, col. 37 lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31, and Figure 33); retrieving vehicle data based on the communication portlet (col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69); and populating the communication portlet with the retrieved vehicle data (col. 35 lines 9-67, col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69).

10. In reference to claim 10, Treyz teaches the method wherein the targeted data includes advertisements that are selected based on the *requesting device* class (col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), status (col. 35 lines 54-60, col. 37 lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31, and Figure 33), and identity of the client (col. 15 lines 9-27, col. 30 lines 25-53, col. 32 lines 28-54, and col. 35 lines 9-67).

11. In reference to claim 11, Treyz teaches the method wherein the targeted data includes analytical data that are selected based on the client request (col. 16 lines 65 to col. 17 lines 13 and col. 38 lines 20-45).

12. In reference to claims 12 and 18, Treyz teaches the method and computer readable medium *wherein retrieving vehicle data is accomplished by* requesting the vehicle data from a vehicle communications unit of a vehicle that is identified by the client data request (col. 37 lines 34 to col. 38 lines 54).

13. In reference to claim 13, Treyz teaches the method wherein vehicle data is

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selected from the group consisting of subscription service data, vehicle operating data, vehicle maintenance data (col. 38 lines 20 to col. 39 lines 15), and vehicle lease data.

Response to Arguments

14. After careful review of Applicant's remarks/arguments filed on 08/22/2008, the Applicant's amendments and arguments with respect to claims 1, 4-6, 8, 10-14, 16-18, and 20 are presented for examination and have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have been entered and considered.

15. While the Applicant's amendment has successfully addressed the previously raised 35 U.S.C. 101 and 35 U.S.C. 112 second paragraph rejections, the amendment has caused the introduction of a new 35 U.S.C. 101 rejection as explained in the Office Action above.

16. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

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/NAMRATA BOVEJA/

Examiner, Art Unit 3622

/Yehdega Retta/

Primary Examiner, Art Unit 3622